

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|-----------------------|---|-----------|
| HAROLD L. PLESS, SR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:11CV963 |
| |) | |
| RODDY ROSEMAN, |) | |
| |) | |
| Defendant. |) | |

ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

This matter comes before the Court on Plaintiff's Motion to Amend and Supplement Complaint (Docket Entry 5), Motion for Relief from Stay (Docket Entry 6), and Motion to Dismiss [sic] (Docket Entry 7). Given the procedural posture of this case, Plaintiff may dismiss this action without prejudice without a court order. See Fed. R. Civ. P. 41(a)(1).

IT IS THEREFORE RECOMMENDED that Plaintiff's Motion to Dismiss [sic] (Docket Entry 7) be granted and that this action be dismissed without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend and Supplement Complaint (Docket Entry 5) and Motion for Relief from Stay are **DENIED AS MOOT**.

This the 19th day of April, 2012.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge